

U S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FORM PTO-1390 (REV. 11-2000)		ATTORNEY'S DOCKET NUMBER <b>J645-004 US</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U S APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/088373</b>
INTERNATIONAL APPLICATION NO. <b>PCT/IT00/00357</b>	INTERNATIONAL FILING DATE <b>12 September 2000</b>	PRIORITY DATE CLAIMED <b>27 September 1999</b>
TITLE OF INVENTION <b>A CLOSURE, PARTICULARLY FOR A BOTTLE FOR A GOOD-QUALITY LIQUOR</b>		
APPLICANT(S) FOR DO/EO/US <b>Piero BATTEGAZZORE</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <b>Unsigned</b></p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <b>2 Sheets of Drawings, Figs. 1-3</b>  <b>Copy of Top Sheet of Published Appln. No. WO 01/23265 A1</b>  <b>Copy of European Search Report</b>  <b>Copy of International Preliminary Examination Report</b></p>		

U.S. APPLICATION NO. (If known) see 7 CFR 1 <b>10/088573</b>	INTERNATIONAL APPLICATION NO PCT/ES00/00085	ATTORNEY'S DOCKET NUMBER J453-009 US		
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY		
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>				
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....		<b>\$1000.00</b>		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....		<b>\$860.00</b>		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....		<b>\$710.00</b>		
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....		<b>\$690.00</b>		
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....		<b>\$100.00</b>		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$ 890.00</b>		
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(c)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	9 - 20 =	0	x \$18.00	\$ 0
Independent claims	1 - 3 =	0	x \$80.00	\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 890.00</b>		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		+	\$	
<b>SUBTOTAL =</b>		<b>\$ 890.00</b>		
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$		
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 890.00</b>		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$		
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 890.00</b>		
		Amount to be refunded:	\$	
		charged:	\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of <b>\$ 890.00</b> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>14-1431</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>				
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p>				
SEND ALL CORRESPONDENCE TO: Notaro & Michalos P.C. 100 Dutch Hill Road, Suite 110 Orangeburg, New York 10962-2100 Phone No.: 845-359-7700 Dated: March 15, 2002 CUSTOMER NO.: 21706 VIA EXPRESS MAIL LABEL NO.: EV 063136407 US				
 SIGNATURE Peter C. Michalos NAME 28,643 REGISTRATION NUMBER				

107088375

2/pkts

JC10 Rec'd PCT/PTO 15 MAR 2002

0

DESCRIPTION

"A closure, particularly for a bottle for a good-quality liquor"

The present invention relates to a closure,  
5 particularly for a bottle for a good-quality liquor, of the type comprising a pourer body of predetermined axis, fixed axially and angularly to the bottle, and a cap having a skirt which is screwed onto the pourer body.

As is known, in a closure of this type, efforts are  
10 always made to make clear to a purchaser visually that a bottle put on sale has wrongfully or fraudulently been opened by an unauthorized person.

For this purpose, a closure which is in use has a cap that is made of aluminium sheet and is screwed onto the  
15 pourer body in a manner such that, when it is unscrewed, the cap is separated from a band as a result of breakage along a line of weakening. Although this closure is advantageous from various points of view and is widely used, it leaves something to be desired from the point of  
20 view of showing that opening has taken place. The aluminium band in fact remains substantially in the vicinity of the cap once the bottle has been reclosed after opening.

The problem upon which the present invention is based is that of devising a closure of the type specified which  
25 has structural and functional characteristics such as to overcome the above-mentioned disadvantage, that is, to render clearly visible the difference between an intact

bottle and a bottle which has been opened in an unauthorized manner.

This problem is solved by a closure of the type specified which is characterized in that it comprises a  
5 sleeve composed of at least two portions extending around the bottle, and a tubular appendage or appendix forming an extension of the skirt of the cap and extending around the sleeve in order to keep the at least two portions juxtaposed.

10 Further characteristics and the advantages of the closure according to the present invention will become clear from the following description of a preferred embodiment thereof given by way of non-limiting example with reference to the appended drawings, in which:

15 Figure 1 is a partially-sectioned, elevational view of a closure according to the invention,

Figure 2 shows a detail of the closure of Figure 1, in section and on an enlarged scale, and

20 Figure 3 shows the closure of Figure 1 with parts separated.

With reference to the appended drawings, a closure for a bottle 2, preferably but not exclusively a bottle intended to contain a good-quality liquor, is generally indicated 1.

25 The bottle 2 comprises a neck of axis X-X, which is defined by an inner surface 4, by an outer surface 5, and by a flat top 6.

In the flat top 6, towards the outer surface 4, the bottle has a recess 7, for example, located circumferentially at a point.

A groove 8 and a collar 9 are formed in the outer 5 surface 5.

The closure 1 comprises a pourer body 10 of axis X-X, associated coaxially with the neck 3 of the bottle 2 and fixed axially and angularly to the bottle.

The pourer body 10 comprises an inner body 11 and an 10 outer body 12 fixed together in the manner which will be described below.

The inner body 11, of axis X-X, comprises a tubular portion 13, a flange portion 14, projecting from the tubular portion 13 with an outer portion 15 and an inner 15 portion 16, and a tubular portion 17.

The flange portion 14 lies on the flat top 6. A tooth 18 projects from the outer portion 15 and engages the recess 7. A tooth 19 projects from the opposite side of the outer portion 15 to the tooth 18 and is located at a point.

20 The tubular portion 17 engages the inner surface 4 of the neck 3 with predetermined force.

The outer body 12 comprises a tubular portion 20 and a larger-diameter tubular portion 21, defining an inner shoulder 22.

25 A recess 23 is formed in the inner shoulder 22 and the tooth 19 is engaged therein.

A thread 24 is formed externally on the larger-

diameter tubular portion 21 of the outer body 12.

An annular projection 25 formed internally in the tubular portion 21, is in engagement in the groove 8 in order to restrain the outer body 12 and the inner body 11  
5 on the bottle 2.

The tubular portion 13 of the inner body 11 and the tubular portion 20 of the outer body 12 are juxtaposed coaxially. The tubular portion 17 of the inner body 11 and the tubular portion 21 of the outer body 12, on the other  
10 hand, are spaced apart and define an annular space 26 for housing the neck 3 of the bottle.

A step 27 is formed in the tubular portion 21, defining a shoulder 28 and a locating portion 29 having an outside diameter substantially equal to the outside  
15 diameter of the collar 9.

The closure 1 further comprises a cap 30 which comprises a top 31 and a tubular skirt 32. The tubular skirt 32 has an internal thread 33 engaged with the thread 24 by screwing. A tubular projection 34 projecting from the  
20 top 31 is in leaktight engagement with the inner body 11 of the pourer body 10.

The closure 1 according to the invention also comprises a sleeve 35 of axis X-X, which is formed in at least two portions. In the embodiment shown, the sleeve 35  
25 is formed in two portions, that is, it is constituted by a half-sleeve 36 and a half-sleeve 37. The two half-sleeves 36 and 37 are juxtaposed to form the sleeve 35.

The sleeve 35 extends around the bottle 2 substantially at the level of the collar 9 and also extends around the outer body 12 of the pourer body 10, substantially at the level of the locating portion 29. It 5 should be noted that an end 38 of the sleeve 35 abuts the shoulder 28.

The closure 1 according to the invention also comprises a tubular extension 39 which is integral with the skirt 32 and forms an extension of the skirt 32. The 10 tubular extension 39 constitutes a hoop relative to the sleeve 35 and keeps its two portions, that is, the two half-sleeves 36 and 37, juxtaposed.

The cap and its tubular extension are preferably made of a transparent plastics material, for example, 15 polystyrene or polycarbonate.

As for the sleeve 35, it is preferably made of a plastics material of a bright colour, for example red, and bears visible accentuating marks **s** formed in high relief, in low relief, by painting, by printing, or by perforations 20 in the solid material.

The accentuating marks **s** are advantageously representative of an intact state of the closure and hence of a sealed state of the bottle.

Breakable means 40 of engagement between the sleeve 35 25 and the tubular extension 39 are advantageously provided in the closure 1 according to the invention. In particular, the breakable engagement means 40 comprise a ring 41 of

axis X-X, coaxial with the sleeve 35 and associated therewith by means of a line of weakening 42. The line of weakening 42 takes the form of six equiangularly spaced breakable bridges 43 extending between the ring 41 and the 5 end 38 of the sleeve.

It should be noted that, between the outer body 12 of the pourer 10 and the tubular extension 39, there is a short space E through which the ring 41 is inserted by force so as to occupy a recess 44 formed in the tubular 10 extension 39 and delimited by a shoulder 45.

The shoulder 28 and the shoulder 45 are substantially at the same level and the space E is also at the same level, with the breakable bridges 43 extending across it.

To favour the forced insertion of the ring 41 in the 15 recess 44 through the space E, lead-in chamfers, indicated 46 and 47, respectively are provided in the ring 41 and in the outer body 12.

When the closure 1 is unscrewed for the first time, the cap 30 moves upwards away from the pourer body 10. As 20 soon as contact takes place between the shoulder 45 and the ring 41, there is an increase in the unscrewing effort which is perceived by the user as a security element. As the unscrewing effort continues, the line of weakening 42 breaks and the cap 30 can be removed. As soon as the cap 30 25 is removed, the hoop effect of the tubular extension 39 on the sleeve is lost and the two half-sleeves separate and fall to the ground.

If the cap 30 is screwed on again in an attempt re-establish the intact state of the bottle, the absence of the sleeve remains apparent and extremely obvious and the fact that unauthorized opening has taken place is sure to 5 be noticed by the purchaser so that the attempt fails.

In other words, in operation, when the bottle is opened for the first time, the sleeve is released as a result of the unscrewing and removal of the cap so that the two half-sleeves fall to the ground and are lost. 10 Subsequent reclosure of the cap leaves an obvious great difference between the opened bottle and intact bottles which have never been opened, precisely owing to the absence of the sleeve.

The main advantage of the closure according to the 15 present invention lies in the unusual difference between the intact condition and the wrongfully or fraudulently opened condition of the bottle.

A further advantage of the closure according to the present invention is that it is comfortable during the 20 opening operation. There is in fact a progression from an initial small effort to a greater effort which indicates that a security element has been overcome and, finally, a return to a small effort to complete the unscrewing.

A further advantage of the closure according to the 25 present invention lies in the fact that the sleeve in at least two portions, which is visible from the exterior, can be formed by aesthetically pleasing elements so as to show

off to further advantage the liquor bottle for which the closure is intended.

Finally, a further advantage of the closure according to the present invention is that it is structurally simple 5 and can therefore be produced on a large or very large scale.

Naturally, in order to satisfy contingent and specific requirements, an expert in the art may apply to the above-described embodiment of the closure, many modifications and 10 variations all of which, however, are included within the scope of protection of the invention as defined by the following claims.

**CLAIMS**

1. A closure, particularly for a bottle for a good-quality liquor, of the type comprising a pourer body of predetermined axis, fixed axially and angularly to the  
5 bottle, and a cap having a skirt which is screwed onto the pourer body, characterized in that it comprises a sleeve composed of at least two portions extending around the bottle, and a tubular appendix forming an extension of the skirt of the cap and extending around the sleeve in order  
10 to keep the at least two portions juxtaposed.

2. A closure according to Claim 1, characterized in that it comprises a shoulder carried by the pourer body for restraining the sleeve axially, and breakable means of engagement between the sleeve and the tubular appendix.

15 3. A closure according to Claim 2, characterized in that the breakable engagement means comprise a ring associated with the sleeve by means of a line of weakening and a shoulder on the tubular appendix for restraining the ring axially.

20 4. A closure according to Claim 3, characterized in that the shoulder of the pourer body and the shoulder of the skirt are at the same level.

25 5. A closure according to Claim 4, characterized in that it comprises a short space formed between the tubular appendix and the pourer body at the level of the shoulders to permit the forced insertion of the ring in an annular recess of the tubular appendix delimited by the shoulder.

6. A closure according to Claim 5, characterized in that the tubular appendix of the cap is transparent and the sleeve is brightly coloured.

7. A closure according to Claim 6, characterized in 5 that it comprises visible marks carried by the sleeve.

8. A closure according to Claim 7, characterized in that the visible marks are in high relief, in low relief, or produced by painting, by printing or by perforations in solid material, and are representative of an intact state 10 of the closure.

9. A closure according to Claim 1, characterized in that the pourer body comprises an inner body and an outer body having respective juxtaposed portions and respective portions which are spaced apart and define a space for 15 housing a neck of the bottle.

10/088373

10

**ABSTRACT**

A closure particularly for a bottle for a good-quality liquor which renders the difference between an intact bottle and a wrongfully opened bottle unusually clear,  
5 comprises a pourer body of predetermined axis fixed axially and angularly to the bottle, a cap having a skirt screwed onto the pourer body, a sleeve in at least two portions extending around the bottle, and a tubular appendix forming an extension of the skirt of the cap and extending around  
10 the sleeve in order to keep the at least two portions juxtaposed.

(Figure 1)

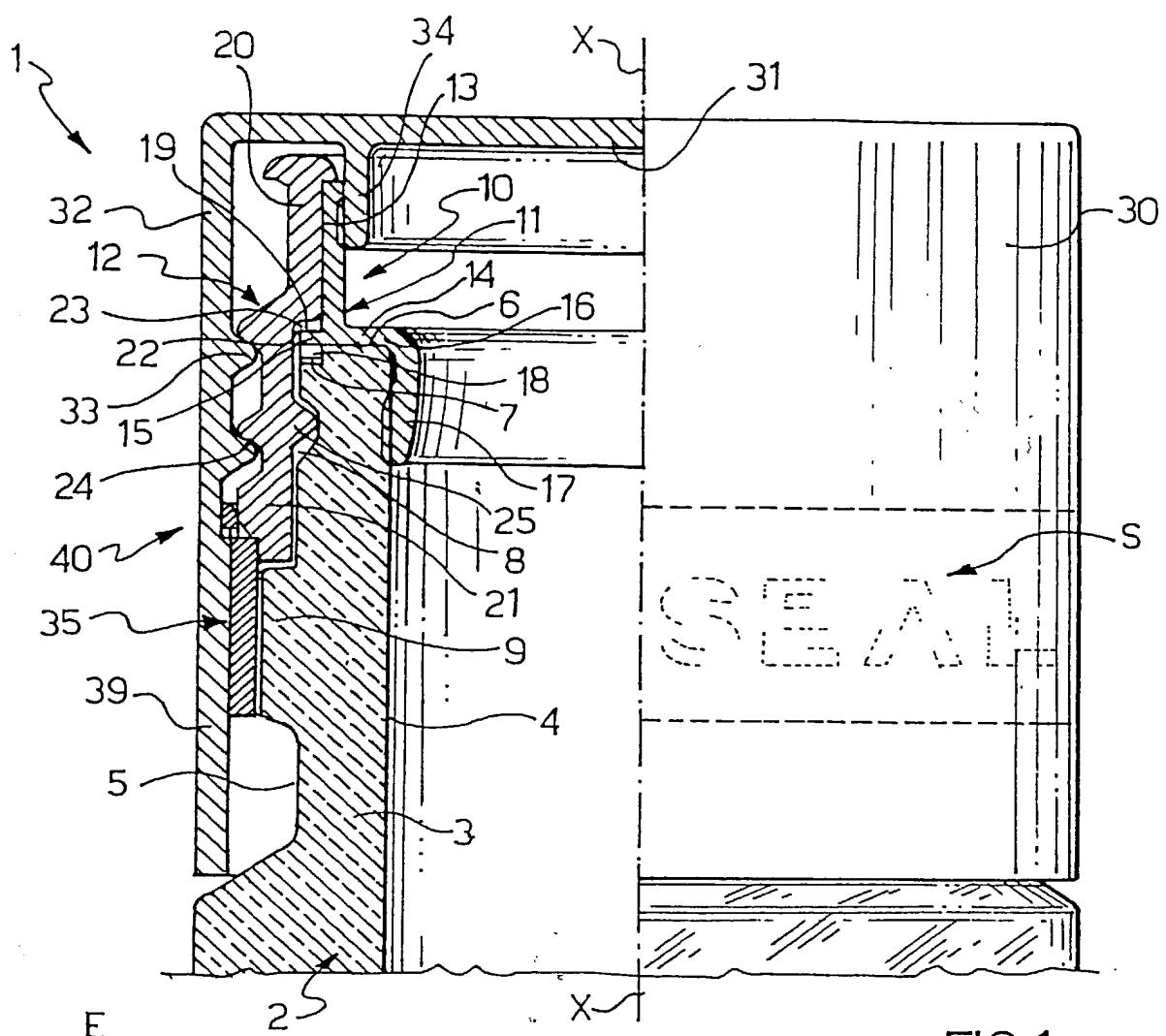


FIG.1

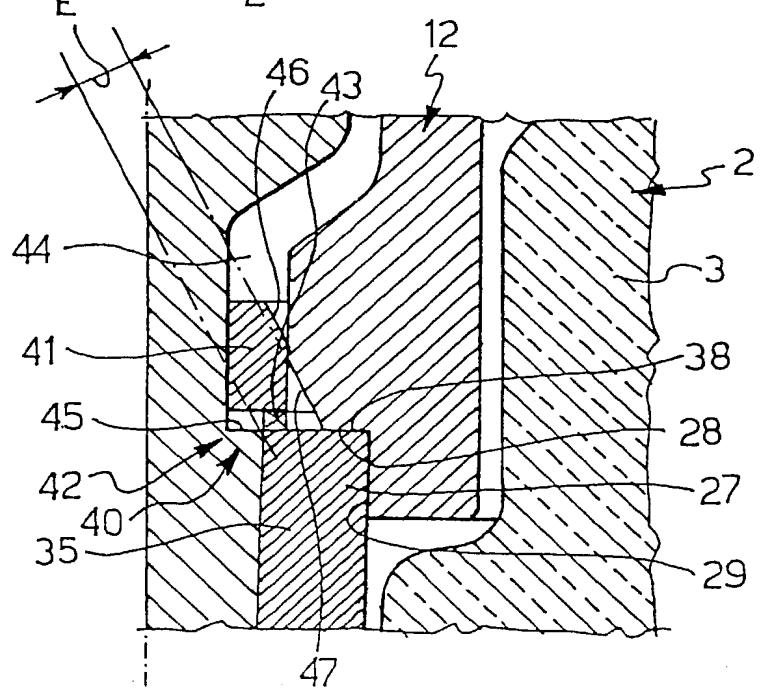


FIG.2

10/088373

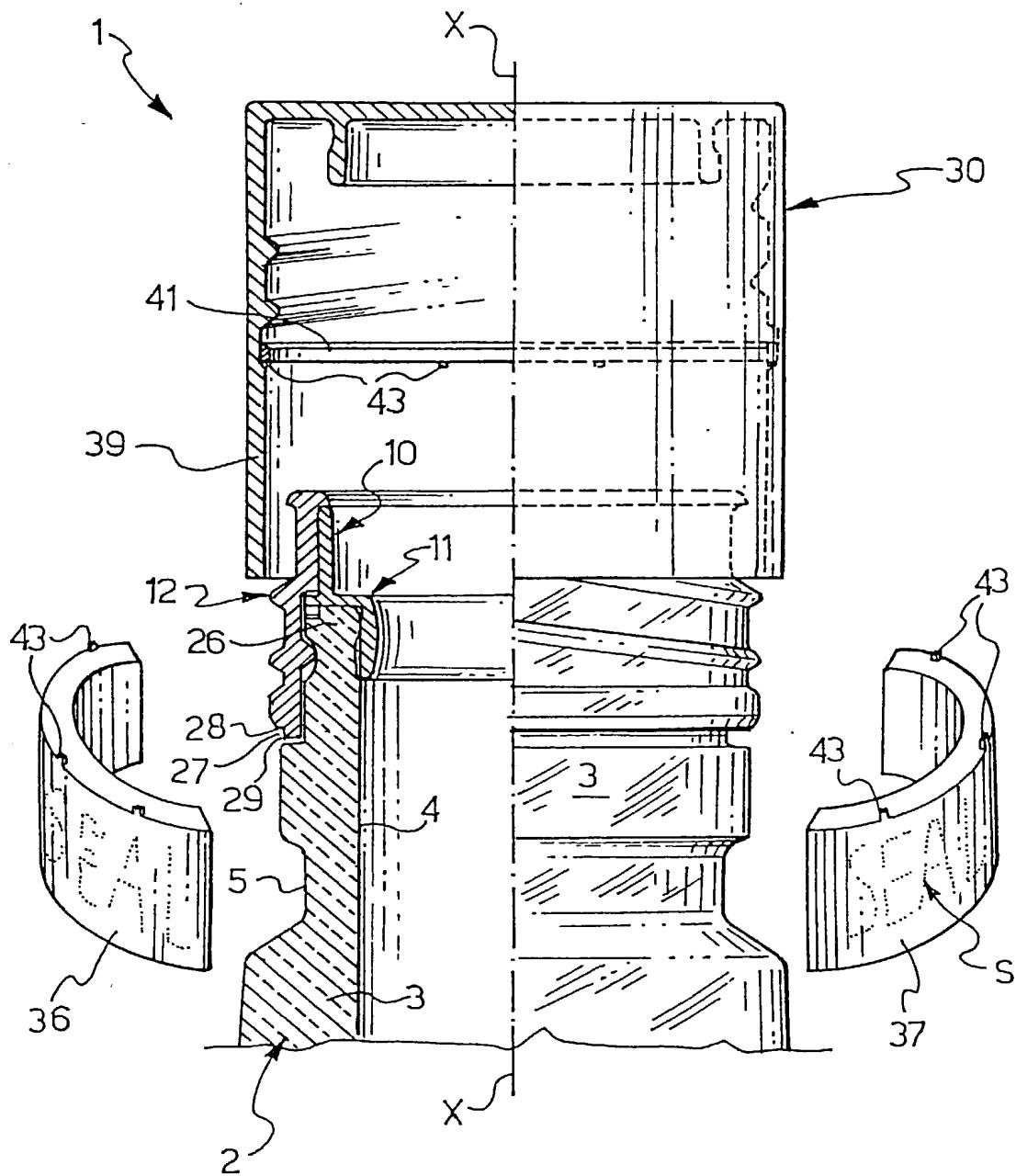


FIG.3

ATTORNEY DOCKET #4

Atty. Docket: J645-004 US

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**A CLOSURE, PARTICULARLY FOR A BOTTLE FOR A GOOD-QUALITY LIQUOR**  
the specification of which (check one):

is attached hereto  
 was filed on 3/15/02 as Application Serial No. 10/088,373  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications

Priority Claimed

MT99A002006    Italy    27 September, 1999  
(Number)            (Country)            (Day/Month/Year Filed)

Yes    No  
   

PCT/IT00/00357    Italy    12 September, 2000  
(Number)            (Country)            (Day/Month/Year Filed)

Yes    No  
   

I hereby claim the benefits under Title 35, United States Code, §119(e) of the following United States Provisional Application:

Priority Claimed

                          
(Number)                                    (Day/Month/Year Filed)

Yes    No

U.S. PATENT AND TRADEMARK OFFICE

**Atty. Docket: J645-004 US**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

This application is a \_\_\_\_\_ of U.S. Application

Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
------------	-------------	---------------------------------------

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

5  
Angelo Notaro  
Reg. No. 27,664

Peter C. Michalos  
Reg. No. 28,643

Mark A. Conklin  
Reg. No. 39,148

John Zaccaria  
Reg. No. 40,241

Martin A. Levitin  
Reg. No. 24,479

Send Correspondence to:

**NOTARO & MICHALOS P.C.**  
100 Dutch Hill Road  
Suite 110  
Orangeburg, New York 10962-2100

Customer No.: 21706

Direct Telephone Calls to: (845) 359-7700

1-00  
Piero Battagazzore  
Full Name of Sole or First Inventor  
Piero Battagazzore  
Inventor's signature  
Alessandria, Italy ITX  
Residence  
Italian  
Citizenship  
Via Galileo Galilei 74  
15100 Alessandria, Italy  
Post Office Address

March 18, 2002